

1 recommendations are supported by the record and proper analysis.

2 A petitioner seeking a writ of habeas corpus has no absolute entitlement to appeal; rather,
3 an appeal is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36
4 (2003); 28 U.S.C. § 2253. If a court denies a habeas petition on the merits, the court may issue a
5 certificate of appealability only “if jurists of reason could disagree with the district court’s
6 resolution of [the petitioner’s] constitutional claims or that jurists could conclude the issues
7 presented are adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327;
8 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the petitioner is not required to prove the
9 merits of his case, he must demonstrate “something more than the absence of frivolity or the
10 existence of mere good faith on his . . . part.” *Miller-El*, 537 U.S. at 338.

11 The Court finds that reasonable jurists would not find the Court’s determination that the
12 petition should be denied debatable or wrong, or that the issues presented are deserving of
13 encouragement to proceed further. Petitioner has not made the required substantial showing of
14 the denial of a constitutional right. Therefore, the Court declines to issue a certificate of
15 appealability.

16 Based upon the foregoing, the Court **ORDERS**:

- 17 1. The Findings and Recommendations issued on February 24, 2025, Doc. 30, are
18 **ADOPTED** in full.
 - 19 2. The petition for writ of habeas corpus, Doc. 12, is **DENIED**.
 - 20 3. The Court declines to issue a certificate of appealability.
 - 21 4. The Clerk of the Court is directed to close the case.
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24 IT IS SO ORDERED.

25 Dated: March 27, 2025

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28 UNITED STATES DISTRICT JUDGE